

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 35246 of 2015 (E)

PETITIONER(S) :

**MEHRUNISSA, AGED 52 YEARS,
W/O.AMEER HAMSA, ANAS MANZIL, POOVANKAL,
MUTTAMBALAM P.O., CHEMMARUTHI, VARKALA,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.ZIYAD

RESPONDENT(S) :

- 1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
VARKALA BRANCH, VARKALA P.O, THIRUVANANTHAPURAM - 695 001,
REPRESENTED BY ITS MANAGER.**
- 2. SPECIAL DEPUTY TAHSILDAR,
KSFE LTD., (R R), NEW TRIDA CENTRE,
IIND FLOOR, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM- 695 011.**

BY ADV. SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 35246 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXT.P1: TRUE COPY OF THE FORM 10 NOTICE DATED 07.02.2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.35246 OF 2015 (E)

Dated this the 8th day of December, 2015

J U D G M E N T

The petitioner, who had availed of a chitty loan from the respondent company, defaulted in repayment of the same. Consequently, the respondent company initiated proceedings under the Kerala Revenue Recovery Act, hereinafter referred to as the 'RR Act', to recover the loan amounts. Ext.P1 is the demand notice issued to the petitioner under the RR Act. In the writ petition, the petitioner impugns the steps initiated by the respondent company for recovery of the loan amounts.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing counsel appearing for the respondent company.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit her to remit the balance amounts

outstanding to the respondent company in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the respondent as of today, is stated to be Rs.1,50,000/- together with interest and collection charges. Accordingly, if the petitioner pays the said amount of Rs.1,50,000/- together with interest and collection charges in fifteen equal and successive monthly installments commencing from 28.12.2015, then the further proceedings initiated against her by the respondent company shall be kept in abeyance.

(ii) It is further made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the respondent company will be free to continue the recovery proceedings against her from the stage at which they presently stand.

(iii) The respondent company shall furnish the petitioner with an up-to-date statement of the dues position together with interest and collection charges within two weeks from today so as to enable the petitioner to discharge her liability in

accordance with the directions in this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/8/12/15